

REPORT OF THE COMMITTEE ON THE PROTECTION OF NORTH AMERICAN BIRDS FOR
THE YEAR 1900.

THE past year has been perhaps the most notable one in the annals of bird protection since the present Committee was established.

As was the case last year, I propose in this report to consider only the work that has come immediately before the Committee. I must, however, congratulate the Audubon Societies on the excellent work they are accomplishing, without which the more serious undertakings of this Committee could not have been carried through. The societies now exist in no less than twenty-two States of the Union, and so widely has their influence been extended that we rarely find persons to-day who have not heard of the movement for bird protection, and every proposed act of legislation now finds the way paved for its progress and willing hands extended everywhere to aid it.

The strengthening of these existing Audubon Societies and the establishment of additional organizations of this kind in our remaining States, especially in the South, cannot be too strongly encouraged. The part played by 'Bird-Lore,' and its editor, Mr. Frank M. Chapman, in furthering the work of the Audubon Societies and in maintaining a bond of union between them cannot be too strongly commended. Besides new Audubon Societies in the States of Delaware, Maryland, South Carolina, Florida and Kentucky, four established during the year, the Committee has also been informed of the organization at Buffalo, N. Y., of a similar society, 'The Bird Protective Society of America. Referring those interested in the work of the Audubon Societies to 'Bird-Lore,' where their reports appear, we will now consider the work of your Committee during the past year.

The close of the year 1899 marked a great increase in the demand for gulls, terns and other sea birds for millinery purposes, and information reached your chairman of efforts made by millinery agents at various points along our coasts to encourage collecting for the millinery trade. In one case postal cards offering a

regular scale of prices for the birds were sent to postmasters all along the Gulf Coast, with requests to place them in the hands of gunners or fishermen.

Through the agency of Dr. T. S. Palmer of the U. S. Department of Agriculture, this matter was brought to the attention of the Secretary of Agriculture, who in turn reported it to the Postmaster General, and a warning was issued in the regular postal instructions to all postmasters in the United States not to lend their aid to such trade, as it was in many States unlawful.

This matter, thanks to the public press, was well advertised throughout the country and attracted considerable attention. Shortly afterward Mr. Abbot H. Thayer, a member of the Union, communicated with your chairman, and learning that the Committee was unable to take active measures toward protecting the terns and gulls, owing to lack of funds, generously offered to raise money for this purpose. An appeal prepared by Mr. Thayer, was signed by a number of prominent members of the Union and widely published. This brought immediate response, and a substantial fund was soon at the command of your Committee. Being unable to personally attend to the details of this work your chairman enlisted the services of Mr. William Dutcher who kindly undertook the entire work and who will report on the results that have been accomplished.

Early in the year millinery activity also manifested itself in Delaware where the services of gunners were enlisted to obtain crows and blackbirds for the trade. While the existing laws did not protect these species, the danger of killing other protected birds and game was pointed out in a circular issued by your chairman, and citizens of Delaware were called upon to do what they could to prevent this outrage. These circulars were sent to every post office in the State. Mr. A. D. Poole of the Delaware Game Protective Association took an active interest in the matter and in company with your chairman visited Gov. Tunnell who heartily endorsed what had been done and assured us of his coöperation in case the laws were transgressed.

The way in which the newspapers of the country took this matter up and spread it from the Atlantic to the Pacific with more or less elaboration is an instance of the work of the Audu-

bon Societies in interesting the general public in bird protection. The Pennsylvania Railroad also lent us its aid by notifying its agents to exercise great care not to ship from the State any birds killed contrary to law, as they would thereby be liable to prosecution under the laws of Delaware.

The immediate result was the prevention of the filling of this contract for crows and blackbirds, and it does not seem likely that another effort of the same kind will be made in the near future. Furthermore, the citizens were greatly agitated over the matter of bird protection, a Delaware Audubon Society was organized, and there is promise of better laws being passed in the near future.

This agitation was the means of bringing your chairman into direct communication with Mr. Charles W. Farmer of the Millinery Merchants' Protective Association, embracing nine tenths of the leading firms in America. Mr. Farmer protested against the alleged exaggerations of the newspapers and assured your Committee that no firm would think of buying small American birds of any description.

In the course of considerable correspondence your chairman suggested that if the use of any sort of American wild bird was tabooed by the millinery trade, it would go a long way toward stopping the newspaper criticism, which would undoubtedly continue as long as any of our native birds were shot for decoration.

This resulted in the proposition from the milliners that they would refuse henceforth to deal in any American birds or foreign birds closely resembling American species, as gulls, terns, etc., reserving two seasons to dispose of stock on hand, providing that this Committee and the Audubon Societies would pledge themselves not to use their influence on behalf of legislation against the importation of foreign birds, or feathers of ostrich or domestic fowls. Messrs. Chapman and Dutcher met a Committee of the milliners and discussed the matter, after which the proposition was formally presented and published. It was unfortunately badly framed and did not clearly set forth the agreements that the milliners intended to offer, so that although adopted by a mail vote of your Committee, subject to certain alterations agreed to at the above conference, strongly advocated by the editor of 'Bird-Lore,' and favored by the directors of some of the Audubon

Societies, it was nevertheless opposed by other of the Audubon Societies and by the editor of the Audubon Department of 'Bird-Lore.' As the milliners naturally required the agreement of *all* the bird protective organizations this action stopped the negotiations. This result was much regretted by your chairman and other members of the Union who have been active in dealing with the practical side of bird protection, especially legislation. And it was regretted that the proposition could not have been presented in a more favorable form and considered more on its merits.

As it happens, however, there is great hope that we are about to obtain the same results as would have ensued from the ratification of this agreement without making any concessions.

During the last session of Congress great efforts were made by various game protective associations, headed by Mr. G. O. Shields, to force the passage of the so called Lacey Bill. This act is supplementary to the State game and bird laws and forbids shipment of illegally killed birds from one State to another, while birds coming into a State, even though killed legally, cannot be sold in that State if the law there forbids the sale of that sort of bird. The possibilities of prosecutions of millinery agents for receiving sea birds killed contrary to law in other States are easily seen. Your chairman and many members of the Committee exerted all their influence in behalf of this bill, and were ably seconded by the Audubon Societies. To the gratification of all, it became a law in May last.

Already several seizures of gulls have been made under this or State laws, most notably that of 2600 gulls and terns in the possession of Charles E. Pontier, manager for Dumont and Co., Baltimore, Md. This was accomplished through the efforts of the State Game and Fish Protective Association of Maryland, represented by Mr. Frank C. Kirkwood of the Union and other officers, with the able assistance of Dr. T. S. Palmer of the U. S. Department of Agriculture, to whom is entrusted the supervision of the provisions of the Lacey Act. These birds were sold at public auction according to State law, on condition that the purchaser keep them in his own possession.

To guard against further dealing in these goods Dr. Palmer and

your chairman have notified a number of wholesale milliners that the goods are contraband and can only be purchased at the risk of prosecution. The criminal case against Dumont & Co. is still pending. Dr. Palmer reports further: "The seizure of the birds at once attracted attention and the results are likely to be far-reaching.

"One of the largest wholesale millinery firms in Baltimore requested an official inspection of their stock and agreed to abandon the sale not only of gulls and terns but also of grebes, pelicans, herons and other birds protected by State or Federal law. I interviewed practically all the wholesale milliners in the city and without exception they took the same ground and promptly withdrew these birds from sale. Judging by the action of these dealers, I believe that the wholesale trade in native plume birds in Baltimore has practically ceased for the time being, and a beginning has been made for similar action in other States." Later, conference with wholesale dealers in Boston, New York, and Philadelphia resulted in the agreement not to purchase any more gulls, terns, herons, pelicans or grebes, so that the prospects for eliminating all American birds from the millinery trade are very bright.

The effect of the Lacey Act on the selling of imported game birds in Pennsylvania and other States where the selling of such birds is prohibited will probably require a judicial decision. Many dealers contend that the law cannot affect the sale of birds legally killed in other States. As this is exactly what the Lacey Act was intended to do, however, there is very little doubt but that it will be upheld. So far as Philadelphia is concerned, it has already resulted in a great reduction in the sale of game birds.

Beside the aggressive work described I would call attention to the valuable publications prepared by Dr. T. S. Palmer and issued by the U. S. Department of Agriculture, namely, 'A Review of Economic Ornithology in the United States,' 'A list of Organizations concerned in the Protection of Game'; 'Legislation for the Protection of Birds other than Game Birds' (a compilation of existing State laws), and 'A Compilation of State Laws governing the Sale and Transportation of Game' (the latter in connection with Mr. H. W. Olds).

These publications are of the utmost importance to all inter-

ested in bird and game preservation and cannot help but bring the various organizations into closer touch. In connection with cage birds, Mrs. Edw. Robins reports that in a conversation with one of the largest bird dealers in Philadelphia he voluntarily told her, without any idea that he was talking to one of your Committee, that his firm had recently shipped to Germany 150 Bluebirds, 300 Cardinals, and 500 Mockingbirds, and stated that all the large importers were also exporters, that this was one of the necessities of the trade. This, it seems to me, is one of the strongest arguments against the clause allowing the keeping of native cage birds which exists in the Pennsylvania law and that of many other States.

While considering cage birds another provision of the Lacey Act should be noticed; namely, the prohibiting of the importation of foreign birds and mammals unless under permit from the Department of Agriculture. This is merely a safeguard against the introduction of such a pest as the English Sparrow. This species, together with the Starling, are now absolutely forbidden entry into this country, although there is no trouble about importing other species if the proper permit is requested.

Respecting bird protection in Illinois, Mr. Ruthven Dean of your Committee, reports as follows:

"Illinois has not been idle in the past year in taking every possible step towards the protection of our game and song birds. Much credit is due to our Game Commissioner, H. W. Loveday, and his many deputies for their untiring efforts and many arrests and prosecutions. There have now been appointed throughout the State 274 wardens and deputy wardens and the results of their work will be felt in every county.

"The Commissioner states in his coming report that many of the wardens in the service are business men of means who have not accepted the positions for gain, but simply because they love the birds and desire to see them protected. The close watch kept at all railroad stations by the wardens during the past year has stopped, to a large degree, the shipping of game out of season to points within the State.

"During the year that the new law has been in effect there has been a total of 142 convictions out of 203 cases brought to trial

for the shooting or shipping of game birds out of season, and shooting and trapping song or insectivorous species. The Audubon Society, in conjunction with the Game Commissioner, has had the game laws printed on a 14 x 19 poster and mailed to the postmasters of 2500 offices in the State, with a request from the Governor to place them in a conspicuous position where they would be certain to strike the eye of the public.

"On July 23, 1900, Game Commissioner Loveday, assisted by two deputies, engaged in a novel raiding expedition in Chicago, visiting some twelve bird stores and seizing from two to three hundred caged birds, largely Mockingbirds and Cardinals. The case was not brought to trial until September, and for some unknown reason the Justice has not yet rendered his decision. We trust it will favor the prosecution, as it is a case of much importance for the future."¹

Mrs. Florence Merriam Bailey has sent the following in regard to plume hunting in southern Texas:

"While working in Texas last spring Mr. Bailey and I spent two weeks in the neighborhood of Corpus Christi. In talking with the settlers we gradually discovered that we were in the heart of a plume hunting district. The discovery was gradual, as the people seemed afraid to talk to us at first, apparently on account of a rumor of some prohibitory legislation in the North. As an old bird hunter said afterwards, the report was that 'they were n't going to buy any more birds — there was some law about it.'

"So absolutely is the southern plume hunting business controlled by the northern market that this rumor had held up the trade, and it was only as time went by without its confirmation that the hunters prepared to start out again.

"As they watched our work the people came to talk quite freely to us and we learned a good deal about the number of birds killed, the principal kinds taken, and the prices paid for them. One man boasted — moved perhaps by the small number of birds we found it important to shoot — that he and another plume hunter had, in 1889, shot 816 birds in five days, and 1,023 in six to seven days.

¹ Since this was put in type, Mr. Dean has informed that the case was decided in favor of the Game Commissioner, and the dealer fined \$100.

The 1,023, he said, were mainly Terns, Yellow-legs, Avocets, and Willets. Another old hunter, watching the skinning, assured us that he knew a man who could skin 600 birds in a day! The process he said consisted in ripping off the skin and stuffing in a big wad of cotton. The principal birds taken, he told us, were water birds, and he added that any white-breasted birds would be bought by the dealers. We learned, incidentally, that strikingly colored land birds were also marketed, among them Jackdaws, Vermilion Flycatchers, and Nonpariels.

"Of the water birds sold the old hunter named over the Least Tern, the Black Tern, Wilson's Tern, the 'big White Gull' as he called it, the Black Skimmer, Great Blue Heron, Long-billed Curlew, Willet, and Avocet.

"In quoting the market prices he said the great Blue Heron brought 40 cents; the Jackdaw, 9 cents; big white gulls, 18 cents; wings of the Long-billed Curlew, 7 cents; the Black Tern, 5 cents; Wilson's Tern, 18 cents; and the Least Tern, 20 cents, its price having been 25 cents before the report came that they were not going to buy any more birds.

"'Eggers,' as well as plume hunters, abounded in the neighborhood. One man had an egg collector's check-list which he used.

"The eggers and millinery men together had almost driven the Pelicans from the neighborhood. One thousand Pelicans had formerly bred on Dimmitt Island, we were told, but although we went over it carefully in the height of the breeding season, not a nest was to be found on the island, and we saw only six Pelicans in the neighborhood, and those flying over, a pitiful band contrasted with the hordes which had been driven from their homes.

"A million birds of various kinds had formerly nested on Bird Island, some miles below Dimmitt, we were told, and as these are not wholly exterminated, and the State law of Texas in that section protects gulls, terns, herons, pelicans and a goodly number of land birds, it is to be hoped that the Lacey bill may still save some of the birds on the island by stopping the millinery trade in the North. For it is upon the northern market that bird protectors should center their efforts. The plume hunters themselves, as we found them, are mainly poor settlers in a country where it is hard to make a living, and they shoot the birds merely to add a little to the meagre

support they can give their families. Moreover, they generally sell through middlemen who reap the real profits of the trade. It would be both cruel and useless to prosecute this class of hunters. The middlemen and the rich millinery firms are the ones who should be made to pay the penalty for their disregard of the laws."

From other members of the Committee brief reports, generally of an encouraging nature, have been received, and in closing I would refer to the large amount of correspondence that has been necessitated in the course of the year's work, especially by Dr. T. S. Palmer and your chairman. The answering of innumerable inquiries concerning legislation and methods for bird protection; the calls for coöperation in assisting in the passage of bird laws, and the warnings sent out to all who advertise game, birds, or millinery material, have all assisted in spreading the interest in bird and game protection; and I think we may feel well satisfied with the results of the most momentous year's work that we have yet accomplished.

WITMER STONE,
Chairman.

RESULTS OF SPECIAL PROTECTION TO GULLS AND TERNs OBTAINED THROUGH THE THAYER FUND.

IN beginning this report on the special protection work of the past year, great credit should be given to our fellow-member, Abbott H. Thayer, for the very important part contributed by him to the result. The thought of this special protection was his alone, and his unflagging and unaided energy and tact, secured the sinews of war, a fund of over \$1400, with which wardens were paid; without this fund, nothing could have been accomplished. Where he should have received encouragement, *i. e.*, among the ornithologists, he met with discouragement, for he was told that it was impossible to raise any funds for the work. By his personal courage and faith, he accomplished what others said could not be done.